

deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 9, 1934, the Durand-McNeil-Horner Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22791. Adulteration and misbranding of sirup. U. S. v. 50 Cases and 32 Cases of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32761. Sample no. 68390-A.)

This case involved a quantity of sirup labeled to convey the impression that it was maple sirup, but which consisted of an artificially flavored and colored sirup containing a small amount of maple sugar. Sample bottles taken from the lot were found to contain less than the declared volume.

On or about May 28, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 cases of sirup at Providence, R. I., alleging that the article had been shipped in interstate commerce, on or about March 7 and March 8, 1934, by the Mountaineer Syrup Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "Old Time Mountaineer Maple Syrup Superior Blended 12 [or "16"] Fluid Ounces, Produced from Pure Cane & Maple Sugars Mountaineer Syrup Corporation of Delaware, New York, N. Y."

It was alleged in the libel that the article was adulterated in that an artificially colored and flavored mixture of cane and maple sugar sirups had been substituted for the article.

Misbranding was alleged for the reason that the statement on the labels, "Maple Syrup" and "Produced from Pure Cane & Maple Sugars", were false and misleading and tended to deceive and mislead the purchaser, since the product consisted of an artificially flavored and colored sugar sirup containing but little maple sugar; and in that the statements, "12 Fluid Ounces" and "16 Fluid Ounces", were false and misleading and tended to deceive and mislead the purchaser, since the product was short of the declared volume. Misbranding was alleged for the further reason that the article was an imitation of maple sirup and was offered for sale under the distinctive name of another article, maple sirup. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect, and the statement on the 16-ounce bottle was not made in terms of the largest unit.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22792. Misbranding of whisky. U. S. v. 75 Cases and 100 Pint Bottles of Alleged Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32762, 32770. Sample no. 62237-A.)

These cases involved two lots of liquor which consisted of a pomace and raisin distillate labeled to convey the impression that it was whisky.

On May 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of alleged whisky at Baltimore, Md. On May 25, 1934, the United States attorney for the District of Columbia filed in the Supreme Court a libel praying seizure and condemnation of 100 pint bottles of the same product at Washington, D. C. It was alleged in the libels that the article had been shipped in interstate commerce, on or about May 16, 1934, by the Sherwood Distilling & Distributing Co., from Baltimore, into the District of Columbia; that 75 cases had been subsequently reshipped to Baltimore, Md., and that it was misbranded in violation of the Food and Drugs